

## CONDOMINIUM PUBLIC REPORT

Prepared &  
Issued by:

Developer STEVEN M. ARAKAKI and LESTER H. ARAKAKI and DONNA CHAVEZ, Co-Trustees of  
the Arakaki/Chavez Family Trust  
Business Address c/o P. O. Box 571, Kalaheo, Kauai, Hawaii 96741

Project Name(\*): ARAKAKI CONDOMINIUM  
Business Address 1615 Puu Road, Kalaheo, Kauai, Hawaii 96741

Registration No. 6064  
(partial conversion)

Effective date: May 25, 2007  
Expiration date: August 31, 2007

### Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other governmental agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

**Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.**

Expiration Date of Reports. Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

### Type of Report:

☐ **PRELIMINARY:**  
(yellow) The developer may not as yet have created the condominium but has filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.

☐ **FINAL:**  
(white) The developer has legally created a condominium and has filed complete information with the Commission.  
☐ No prior reports have been issued.  
☐ This report supersedes all prior public reports.  
☐ This report must be read together with \_\_\_\_\_

☒ **SUPPLEMENTARY:**  
(pink) This report updates information contained in the:  
☐ Preliminary Public Report dated: \_\_\_\_\_  
☒ Final Public Report dated: July 31, 2006  
☐ Supplementary Public Report dated: \_\_\_\_\_

And

☐ Supersedes all prior public reports  
☒ Must be read together with Final Public Report dated July 31, 2006  
☐ This report reactivates the \_\_\_\_\_  
public report(s) which expired on \_\_\_\_\_

(\*) Exactly as named in the Declaration

*This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at 586-2643 to submit your request.*  
FORM: RECO-30 286/986/189/1190/892/0197/1098/0800/0203/0104/0107

**Disclosure Abstract:** Separate Disclosure Abstract on this condominium project:

☐ Required and attached to this report

☒ Not Required - disclosure covered in this report.

**Summary of Changes from Earlier Public Reports:**

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

☐ No prior reports have been issued by the developer.

☒ Changes made are as follows:

**CHANGES MADE.** Since the issuance of the Final Public Report, the following changes have occurred:

1. The following pages of the Final Pubic Report have been revised and are included with this Supplementary Public Report: 1, 2, 6, 14, 19, 21, 21a and Exhibit "C".
2. The Declaration of Condominium Property Regime has been amended. The First Amendment to Declaration provides for an access easement in favor of Unit B (Easement B) over and across a portion of the limited common element land area of Unit A, as further described in the Amended Condominium Map. The Second Amendment to Declaration and Confirmation of the Declaration of Condominium Property Regime provides for the conveyance of a ditch-right-of-way to the Developer which was not previously owned by the Developer, but which is a part of the Project. The Condominium Map for the Project already included the ditch right-of-way and hence was not separately delineated on said Map.
3. The Condominium Map was amended together with the First Amendment to Declaration in order to reflect the access easement (Easement B).
4. An updated title search on the property has been obtained.

THE PROSPECTIVE PURCHASER IS CAUTIONED TO CAREFULLY REVIEW THE CONDOMINIUM DOCUMENTS FOR FURTHER INFORMATION REGARDING THE FORGOING.

## II. CREATION OF THE CONDOMINIUM; CONDOMINIUM DOCUMENTS

A condominium is created by recording in the Bureau of Conveyances and/or filing with the Land Court a Declaration of Condominium Property Regime, a Condominium Map (File Plan), and the Bylaws of the Association of Apartment Owners. The Condominium Property Act (Chapter 514A, HRS), the Declaration, Bylaws, and House Rules control the rights and obligations of the apartment owners with respect to the project and the common elements, to each other, and to their respective apartments. The provisions of these documents are intended to be, and in most cases are, enforceable in a court of law.

- A. **Declaration of Condominium Property Regime** contains a description of the land, buildings, apartments, common elements, limited common elements, common interests, and other information relating to the condominium project.

The Declaration for this condominium is:

☐ Proposed  
☒ Recorded - Bureau of Conveyances: Document No. 2006-120531  
Book \_\_\_\_\_ Page \_\_\_\_\_  
☐ Filed - Land Court: Document No. \_\_\_\_\_

The Declaration referred to above has been amended by the following instruments [state name of document, date and recording/filing information]:

First Amendment to Declaration of Condominium Property Regime dated April 1, 2007, recorded in said Bureau, as Document No. 2007-063973.

Second Amendment and Confirmation of the Declaration of Condominium Property Regime dated May 1, 2007, recorded in said Bureau, as Document No. 2007-087785.

- B. **Condominium Map (File Plan)** shows the floor plan, elevation and layout of the condominium project. It also shows the floor plan, location, apartment number, and dimensions of each apartment.

The Condominium Map for this condominium project is:

☐ Proposed  
☒ Recorded - Bureau of Conveyances, Condo Map No. 4282  
☐ Filed - Land Court Condo Map No. \_\_\_\_\_

The Condominium Map has been amended by the following instruments [state name of document, date and recording/filing information]:

First Amendment to Declaration of Condominium Property Regime dated April 1, 2007, recorded in said Bureau, as Document No. 2007-063973.

- C. **Bylaws of the Association of Apartment Owners** govern the operation of the condominium project. They provide for the manner in which the Board of Directors of the Association of Apartment Owners is elected, the powers and duties of the Board, the manner in which meetings will be conducted, whether pets are prohibited or allowed and other manners which affect how the condominium project will be governed.

The Bylaws for this condominium re:

☐ Proposed  
☒ Recorded - Bureau of Conveyances: Document No. 2006-120532  
Book \_\_\_\_\_ Page \_\_\_\_\_  
☐ Filed - Land Court: Document No. \_\_\_\_\_

The Bylaws referred to above have been amended by the following instruments [state name of document, date and recording/filing information]:

2. Limited Common Elements: Common Elements are those common elements which are reserved for the exclusive use of the owners of certain apartments.

☐ There are no limited common elements in this project.

☒ The limited common elements and the apartments which use them, as described in the Declaration, are:

☒ described in Exhibit B.\*

☐ as follows:

\*NOTE: Land areas referenced in Exhibit B are not legally subdivided lots.

3. Common Interest: Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interest". It is used to determine each apartment's share of the maintenance fees and other common profits and expenses of the condominium project. It may also be used for other purposes, including voting on matters requiring action by apartment owners. The common interests for the apartments in this project, as described in the Declaration, are:

☐ described in Exhibit \_\_\_\_.

☒ as follows:

Unit A	50%
Unit B	<u>50%</u>
	100%

The common interest was determined by allocating an equal percentage to both units.

- E. Encumbrances Against Title: An encumbrance is a claim against or a liability on the property or a document affecting the title or use of the property. Encumbrances may have an adverse effect on the property or your purchase and ownership of an apartment in the project.

Exhibit C describes the encumbrances against the title contained in the title report dated April 12, 2007 issued by Title Guaranty of Hawaii, Inc.

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:
- A) Condominium Public Report issued by the developer which have been given an effective date by the Hawaii Real Estate Commission.
  - B) Declaration of Condominium Property Regime
  - C) Bylaws of the Association of Apartment Owners
  - D) House Rules, if any.
  - E) Condominium Map
  - F) Escrow Agreement.
  - G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
  - H) Other: \_\_\_\_\_

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer or through the developer's sales agent, if any. The Condominium Property Regime law (Chapter 514A, HRS) and the Administrative Rules (Chapter 107) are available online. Please refer to the following sites:

Website to access official copy of laws: [www.capitol.hawaii.gov](http://www.capitol.hawaii.gov)  
Website to access unofficial copy of law: [www.hawaii.gov/dcca/hrs](http://www.hawaii.gov/dcca/hrs)  
Website to access rules: [www.hawaii.gov/dcca/har](http://www.hawaii.gov/dcca/har)

This Public Report is part of Registration No. 6064 filed with the Real Estate Commission on June 30, 2006.

Reproduction of Report. When reproduced, this report must be on:

☐ yellow paper stock    ☐ white paper stock    ☒ pink paper stock

- D. The developer declares subject to the penalties set forth in section 514A-49(b) that this project is in compliance with all county zoning and building ordinances and codes, and all other county permitting requirements applicable to the project, pursuant to Act 251 (SLH 2000) [Section 514A-1.6] (The developer is required to make this declaration for issuance of an effective date for a final public report.)
- E. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

STEVEN M. ARAKAKI and  
LESTER H. ARAKAKI and DONNA CHAVEZ, Co-Trustees  
Printed Name of Developer

Steven M Arakaki  
STEVEN M. ARAKAKI

April 11, 2007  
Date


Distribution:

Department of Finance, County of Kauai  
Planning Department, County of Kauai

\*Must be signed for a: corporation by an officer; partnership or Limited Liability Partnership (LLP) by the general partner; Limited Liability Company (LLC) by the manager or member; and for an individual by the individual.

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STEVEN M. ARAKAKI and  
LESTER H. ARAKAKI and DONNA CHAVEZ, Co-Trustees  
Printed Name of Developer

  
\_\_\_\_\_  
LESTER H. ARAKAKI

12 APRIL 2007  
Date

  
\_\_\_\_\_  
DONNA CHAVEZ

4/12/2007  
Date

Distribution:

Department of Finance, County of Kauai  
Planning Department, County of Kauai

\*Must be signed for a: corporation by an officer; partnership or Limited Liability Partnership (LLP) by the general partner; Limited Liability Company (LLC) by the manager or member; and for an individual by the individual.

EXHIBIT "C"  
Encumbrances Against Title

1. For real property taxes due and owing, reference is made to the County of Kauai, Real Property Tax Office.

2. Lease right-of-way dated March 14, 1951, recorded in the Bureau of Conveyances, State of Hawaii, in Book 2475, Page 465, in favor of Kauai Electric Company, Limited, whose interest is now held by Kauai Island Utility Co-Op; for a period of 25 years from the date hereof and from year to year thereafter.

3. A 10-foot road setback line along Pu'u Road, as contained in Deed dated October 19, 1971, recorded in said Bureau, in Book 7889, Page 443.

4. A 13-foot road widening setback line along Puu Road, as set forth in Deed dated June 13, 1988, recorded in the Bureau of Conveyances, State of Hawaii, in Book 22037, Page 498.

5. Notice of Dedication dated March 15, 1992, effective July 1, 1992, by the Department of Finance, in re: dedication of land for permanent home use purposes, for a period of 10 years from the effective date, recorded in said Bureau, as Document No. 92-077606.

6. Notice of Dedication to Agriculture dated January 18, 2000, effective January 1, 2000, for a term of 10 years, in re: for the dedication of the land to agriculture, the owner forfeits the right to change the use of the land to a use other than the approved agricultural use for a minimum of ten years, recorded in said Bureau, as Document No. 2000-021975.

7. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the Declaration of Condominium Property Regime for "ARAKAKI CONDOMINIUM" dated June 12, 2006, recorded in said Bureau, as Document No. 2006-120531.

Said Declaration was amended by instruments dated April 1, 2007, recorded in said Bureau, as Document No. 2007-063973 and dated May 1, 2007, recorded in said Bureau, as Document No. 2007-087785..

8. Condominium Map No. 4282 recorded in said Bureau, as amended. Said Condominium Map was amended with the First Amendment to Declaration dated April 1, 2007.

9. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the By Laws of the Association of Unit Owners of ARAKAKI CONDOMINIUM, dated June 12, 2006, recorded in said Bureau, as Document No. 2006-120532.